



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

MEMORANDUM

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., Chairman

DATE: April 9, 2003

SUBJECT: Approval of a Recommendation to the State Legislature for Modification to the School Code at §380.1311

In February, 2003, the Department received from the U. S. Department of Education, Office of Special Education Programs (OSEP), "Procedures for States to Follow in Order to Receive a Grant Award Under Part B of the Individuals with Disabilities Education Act (IDEA) for Federal Fiscal Year 2003." The Part B Application (Application) submission date is May 9, 2003. It is anticipated that this Application will be submitted to the OSEP by the Superintendent with a Report to the State Board of Education at the meeting on May 22, 2003.

Funding under the IDEA for Federal Fiscal Year 2002 was conditioned on a commitment by the Department to complete certain activities identified by the OSEP as necessary to fulfill compliance with the IDEA and its implementing regulations. One of these activities requires an amendment to the School Code at §380.1311. The current language at subsection (8) states: "This section does not diminish the due process rights under federal law of a pupil who has been determined to be eligible for special education programs and services."

The OSEP has accepted the following recommendation for a change to this language as follows: "This section does not diminish ~~the due process~~ ANY rights under federal law of a pupil who has been determined to be eligible for special education programs and services."

It is the determination of the OSEP that this change to the language is broader than the current language and would address any rights available to pupils with disabilities under the IDEA and its regulations.

It is recommended that the State Board of Education approve a request for statutory change at §380.1311 as identified in the Superintendent's memorandum dated April 9, 2003, to be forwarded to the Legislature as a condition of Michigan's receipt of approximately \$320,000,000 in federal funds under Part B of the IDEA for Federal Fiscal Year 2003.

STATE BOARD OF EDUCATION

KATHLEEN N. STRAUS – PRESIDENT • SHARON L. GIRE – VICE PRESIDENT
CAROLYN L. CURTIN – SECRETARY • HERBERT S. MOYER – TREASURER
MARIANNE YARED MCGUIRE – NASBE DELEGATE • JOHN C. AUSTIN • ELIZABETH W. BAUER • EILEEN LAPPIN WEISER

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324